

REMARKS

Claims 1, 14, 17, 19, and 20 are amended. Support for the amendment can be found, for example, in the claims as originally filed.

Claim 11 is canceled.

The rejection of claims 1 – 5, 8 – 9, and 14 – 19 under 35 USC 103(a) over Grossman, US Patent 4,890,885, in view of Cuevas, US Patent 5,902,010, is respectfully traversed. The rejection of claims 12 – 13 under 35 U.S.C. 103(a) over Grossman in view of Cuevas and further in view of Kunz et al., US Patent 5,806,110, is also respectfully traversed. Claim 1 as amended requires a duct connected to a vacuum reservoir container of an evacuator assembly. Claims 14, 17, and 19 require a duct connected to an evacuator via a vacuum reservoir container.

As noted in the Office Action, the combination of Grossman in view of Cuevas fails to reveal a vacuum reservoir. (Paragraph 6 on page 5.) The Office Action then asserts that Kunz et al. describes this structure by disclosing a pressurized air source 3. Applicants respectfully disagree with this characterization of Kunz et al., as this reference fails to describe or suggest a vacuum reservoir. Additionally, the Office Action fails to state a motivation to combine Kunz et al. with Grossman and Cuevas to arrive at the claimed invention.

As an initial matter, it is clear from the operation of the inflatable seat in Kunz et al. that the inflatable seat is designed for use at ambient pressure and

higher, not under reduced pressure (vacuum) conditions. At best, pressurized air source 3 in Kunz et al. would be comparable to a vacuum pump, such as vacuum pump 7 in Figure 1 of the application. Even if this is true, however, Kunz et al. still fails to disclose or suggest a vacuum reservoir container as required by the claimed invention. This element is simply not present. As noted above, the Office Action states that Grossman and Cuevas fail to disclose this element as well. Thus, it is not clear how Kunz et al., Grossman, and Cuevas could be combined to arrive at the claimed invention.

Additionally, no motivation is provided for combining the teachings of Kunz et al. with Grossman in view of Cuevas. The Office Action provides no motivation for this combination, noting only that "An enclosed pressure balancing system allows for the smooth flow of air from one cavity in the system to another and therefore a smooth positioning of the seat occupant." It is not clear what this statement is meant to refer to; however, it does not provide a motivation for how or why to combine Kunz et al. with Grossman and Cuevas to arrive at the claimed invention. In particular, no motivation is provided for why Kunz et al., which describes an inflatable seat for use in assisting people with entering and exiting a bathtub, should be combined with Grossman in view of Cuevas, which the Office Action asserts as disclosing an abruptly deflatable headrest.

The rejection of claims 6, 7, 10 and 20 are also respectfully traversed for at least the reasons stated above.

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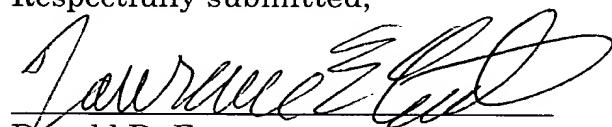
In view of the foregoing amendments and remarks, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.50217).

Respectfully submitted,

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